APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/691,763	10/18/00	VERTINO	P E0355/7003/E

HM12/0322

EDWARD R GATES
WOLF GREENFIELD & SACKS PC
600 ATLANTIC AVE
BOSTON MA 02210

EXAMINER
GOLDBERG, J

ART UNIT	PAPER NUMBER
1655	6

DATE MAILED:

03/22/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.

EXAMINER
Jeanine Enewold Goldberg

ART UNIT	PAPER
1655	6

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

APPLICANT IS GIVEN 30 days FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R.. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeanine Enewold Goldberg whose telephone number is (703) 306-5817. The examiner can normally be reached on Monday-Friday from 7:00am- 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Jones can be reached on (703) 308-1152. The fax number for the organization where this application or proceeding is assigned is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

W. Gary Jones
Supervisory Patent Examiner
Technology Center 1600

Notice to Comply	**Application No.** 09/691,763	**Applicant(s)** VERTINO, PAULA M.
	Examiner Jeanine Enewold Goldberg	**Art Unit** 1655

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).

☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).

☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).

☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."

☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).

☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).

☐ 7. Other:

Applicant Must Provide:

☒ An initial or <u>substitute</u> computer readable form (CRF) copy of the "Sequence Listing".

☒ An initial or <u>substitute</u> paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.

☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216
For CRF Submission Help, call (703) 308-4212
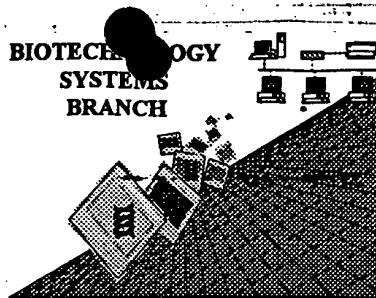PatentIn Software Program Support
    Technical Assistance...703-287-0200
    To Purchase PatentIn Software.......................703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

RAW SEQUENCE LISTING ERROR REPORT

BIOTECHNOLOGY SYSTEMS BRANCH

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: _09/691,763_

Source: _OIPE_

Date Processed by STIC: _10/27/2000_

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.
PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:
1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY
FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216.
PATENTIN 2.1 e-mail help: patin21help@uspto.gov or phone 703-306-4119 (R. Wax)
PATENTIN 3.0 e-mail help: patin30help@uspto.gov or phone 703-306-4119 (R. Wax)

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE <u>CHECKER VERSION 3.0 PROGRAM</u>, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW:

Checker Version 3.0

The Checker Version 3.0 application is a state-of the-art Windows based software program employing a logical and intuitive user-interface to check whether a sequence listing is in compliance with format and content rules. Checker Version 3.0 works for sequence listings generated for the original version of 37 CFR §§1.821 – 1.825 effective October 1, 1990 (old rules) and the revised version (new rules) effective July 1, 1998 as well as World Intellectual Property Organization (WIPO) Standard ST.25.
Checker Version 3.0 replaces the previous DOS-based version of Checker, and is Y2K-compliant. Checker allows public users to check sequence listings in Computer Readable form (CRF) before submitting them to the United States Patent and Trademark Office (USPTO). Use of Checker prior to filing the sequence listing is expected to result in fewer errored sequence listings, thus saving time and money.

<u>Checker Version 3.0 can be down loaded from the USPTO website at the following address:</u>
http://www.uspto.gov/web/offices/pac/checker

RAW SEQUENCE LISTING   DATE: 10/27/2000
PATENT APPLICATION: US/09/691,763   TIME: 10:01:33

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Output Set: N:\CRF3\10272000\I691763.raw

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 6  <120> TITLE OF INVENTION: TMS1 Compositions and Methods of Use
 9  <130> FILE REFERENCE: E0557/003/EPG/MAT
11  <140> CURRENT APPLICATION NUMBER: US/09/691,763
11  <141> CURRENT FILING DATE: 2000-10-18
11  <150> PRIOR APPLICATION NUMBER: US 60/159,975
12  <151> PRIOR FILING DATE: 1999-10-18
14  <160> NUMBER OF SEQ ID NOS: 27
16  <170> SOFTWARE: PatentIn for Windows Version 3.0
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ERRORED SEQUENCES

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193  <213> ORGANISM: Homo sapiens
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205  ctg acc gcc                aag ttc aag ctg aag ctg ctg tcg gtg       156
206  Leu Thr Ala Gly         Lys Lys Phe Lys Leu Lys Leu Leu Ser Val
207   15                            20                    30
209  ccg ctg cgc                atc ccg cgg ggc gcg ctg ctg tcc           204
210  Pro Leu Arg Gly          Thr Gly Arg Ile Pro Arg Gly Ala Leu Leu Ser
211                                        40                    45
213  atg gac gcc                acc gac aag ctg atc agc ttc tac ctg gag   252
214  Met Asp Ala              Thr Asp Lys Leu Val Ser Phe Tyr Leu Glu
215                                    55                60
217  acc tac ggc                gct aac gtg ctg cgc gac atg ggc ctg       300
218  Thr Tyr Gly Ala         Thr Ala Asn Val Leu Arg Asp Met Gly Leu
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221  cag gag atg                ctg cag gcg acg cac cag g                 336
222  Gln Glu Met              Gln Leu Gln Ala Ala Thr His Gln
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252  <222> LOCATION: (     )    (56)
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RAW SEQUENCE LISTING   DATE: 10/27/2000
PATENT APPLICATION: US/09/691,763   TIME: 10:01:33

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Output Set: N:\CRF3\10272000\I691763.raw

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   704  tcg gtg cca ctg cac gag agc tac ggg cgc atc ccg cgg ggc gcg ctg         206
   705  Ser Val Pro Leu Arg Glu Gly Tyr Gly Arg Ile Pro Arg Gly Ala Leu
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   708  ctg tcc atg gac gcc tta gac ctc acc gac aag ctg gtc agc ttc tac         254
   709  Leu Ser Met Asp Ala Leu Asp Leu Thr Asp Lys Leu Val Ser Phe Tyr
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   717  Gly Leu Gln Glu Met Ala Gly Gln Leu Gln Ala Ala Thr His Gln Gly
   718                 80             85             90
   720  tct gga gcc gcg cca gct gag atc cag gcc cct cct cag tcg gca gcc         398
   721  Ser Gly Ala Ala Pro Ala Gly Ile Gln Ala Pro Pro Gln Ser Ala Ala
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   724  aag cca g                                                               405
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See next page for more errors

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Lys Leu Val Xaa Tyr Tyr Leu Glu Gly Tyr Gly Leu Glu Leu Thr Met
            35              40              45
Thr Val Leu Arg Asp Met Gly Ile Gln Glu Leu Ala Glu Gln Leu Gln
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Lys Ile Met Glu Glu Ser Gly Ala Val Ala Thr Ala Thr Ser Val Pro
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145             150             155             160
Gln Pro Tyr Leu Val Thr Asp Leu Glu Gln Ser
            165             170
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FYI

Please Note:
**Use of n and/or Xaa have been detected in the Sequence Listing. Please review the
Sequence Listing to ensure that a corresponding explanation is presented in the <220> to
<223> fields of each sequence which presents at least one n or Xaa.**

L:11 M:270 C: Current Application Number differs, Replaced Current Application No
L:11 M:271 C: Current Filing Date differs, Replaced Current Filing Date
L:223 M:252 E: No. of Seq. differs, <211>LENGTH:Input:339 Found:340 SEQ:5
L:260 M:361 W: Invalid Split Codon, Sequence data for SEQ ID#: 7
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L:306 M:361 W: Invalid Split Codon, Sequence data for SEQ ID#: 9
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L:527 M:340 W: (46) "n" or "Xaa" used: Feature required. for SEQ ID#:22
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